

PROCEEDINGS OF THE BOARD OF HEALTH MEETING
Tuesday, May 10, 2011
5:30 PM

Present: Audrey Murphy, J. Tibbetts, MD, Harold Pfothenhauer, Joe Van Deurzen

Excused: Don Murray, Patricia Bacelis Leon

Staff Present: Judy Friederichs, John Paul, Rob Gollman, Dale Schmit, John Zakowski (BCDA), Carole Andrews (BC Board of Supervisors)

Guests Present: Rosemary Enz, David Enz, Susan Ashley, Darren Ashley, Dennis Hibray (WIDH), Larry Collins (JBS), Ed Arnstad, Matt Cole, Rebecca Bratton, Steve Lenz, Patrick Evans

1. CALL TO ORDER AND INTRODUCTIONS

Judy reported that she has spoken to the County Executive regarding filling the vacancy on the board that is to be filled by a county board member. Judy had asked Carole Andrews if she was interested. She is observing tonight's meeting prior to her decision.

2. APPROVAL / MODIFICATION OF THE AGENDA

Audrey recommended opening the meeting for public comment after the fourth agenda item.

MOTION: To approve the agenda as modified.
Van Deurzen / Pfothenhauer

MOTION CARRIED

3. APPROVAL OF MINUTES OF JANUARY 11, 2011

MOTION: To approve. Van Deurzen / Pfothenhauer

MOTION CARRIED

4. DISCUSSION AND POSSIBLE ACTION: PUBLIC HEALTH NUISANCE ORDINANCE, ODOR VIOLATIONS, CHAPTER 38.01(4)(2)

Supervisor Evans said that he has spoken to businesses in the area around Sanimax. S. Evans asked for clarification regarding whether a business can file a complaint.

Judy said that in 2009 John Leutscher interpreted Chapter 38.01 as applying to only homeowners. His more recent interpretation has been that any individual or business may file a complaint. Audrey agreed that a complaint by a business will be handled in the same way as a complaint by a resident.

Joe stated that, in any case a complaint must be verifiable by Health Department staff.

Judy stated that starting with the 2011 budget, staff will not be responding to after hours to odor complaints. Overtime is reserved for true public health emergencies.

S. Evans stated that he is concerned about this new procedure as he feels it is giving an organization a free pass on nights and weekends. He said that he is disappointed in this change and does not have a problem putting more money in the budget to cover this overtime.

Audrey quoted from the County Board minutes of Tuesday, January 11, 2011: "The County Board made the following decisions affecting the health department's final 2011 budget. #1 – a decrease in overtime allowance necessitating elimination of follow-up on non-urgent public health matters. This will include odor and noise complaints." #2 was capping of administrative salaries.

John Paul stated that about 70% of odor complaints come in during regular business hours. He also stated that the number of complaints have dropped dramatically. So far this year there have been 1 in January, 2 in February and 1 in March.

Audrey stated that, unless there is direction to change this policy will remain in effect for 2011. S. Evans stated that he will address this with the Human Services committee.

Judy said that a few citations have been issued in the past and have been dealt with in the DA's office. John Paul stated that there have been a few situations in the past where cited businesses negotiated a settlement with the health department and District Attorney. John said that he is comfortable with the way those situations were handled. John Zakowski

said that it would be acceptable to continue in that manner and that he could produce a report if necessary.

S. Evans said that he appreciates the effort that the companies have put in to alleviating the odor problem and that he is comfortable with the procedure that the department and DA have been following. John Z. offered to produce a report periodically detailing how these cases were handled. Audrey said that the board would appreciate those reports.

S. Evans said that he knows that all of the companies involved have made improvements and that has reduced the complaints – but his constituents tell him that they have “given up the fight” because they feel that their complaints don’t have an effect on the problem. The issue is still there and he wants to make sure that everyone is aware of the problem as summer approaches.

MOTION: To suspend the rules to allow public comment. Van Deurzen / Tibbetts

MOTION CARRIED

Rebecca Bratton (Sanimax, 2099 Shawano Ave.) stated that Sanimax has taken a number of steps in the last year and a half to address these issues. They continue to make substantial capital investments in this area. For example, this year the number of pre-treatment air scrubbers was increased from four to six. There have been improvements in procedures throughout the operation and plans to replace and upgrade air treatment equipment in the next year.

Steve Lenz (General Manager at Sanimax) said that he agrees with Rebecca that substantial investments have been made in the past and will continue to be made in the future.

Rebecca said that she appreciates the clause in the code that requires verification of odor complaints. They receive complaints when they aren’t even operating. A strong effort is made to work with neighbors in the immediate area to keep the lines of communication open. She understands that there will be odors but they are doing their best to continue to address them.

Matt Cole (American Foods Group, 544 Acme St.) said that American Foods has spent a lot of money over the years to help control odor and be better neighbors. As far as not having someone from the health department on call and having a ‘free pass’ during non-business hours – responsible businesses don’t operate that way. We all have homes and families and don’t want to smell up the neighborhood. He believes that

the facilities in Brown County that are involved here take responsibility to be good neighbors.

Ed Arnstad (American Foods) said that they have a person get in a car several times a day and drive around the neighborhood to monitor for odor. They have a constant vigilance.

Rebecca agreed that they all live in this community and have families.

Larry Collins (JBS, 1330 Lime Kiln Rd.) said that he concurs with his colleagues that they have all spent significant money on equipment and chemistry to improve their operation. He knows Rebecca and Matt and feels that they share similar philosophies on their responsibility to the community.

S. Evans expressed his appreciation to the companies for their efforts to address the odor issue.

MOTION: To return to the regular order of business. Van Deurzen / Tibbetts

MOTION CARRIED

MOTION: To suspend the regular order of business to allow public comment.
Van Deurzen / Tibbetts

MOTION CARRIED

David Enz (6034 Fairview Rd., Denmark – Town of Glenmore) said that he would like to speak about the health issues related to the Shirley Wind farms. We have been sick at our home to the point where we don't live at our home anymore. My wife and I and others who come to our home are suffering from anxiety, nausea, ear pressure, head pressure and a desire to flee. It is not isolated to us, it has affected other people who come to visit. I think this is related to low-frequency noise. Health department employees have been out to the home to take noise meter readings. We have never complained of loudness – and the meter that the health department uses is not equipped to measure noise that you cannot hear.

Audrey asked if it is a vibration. David said that it is a sound you can feel but he does not know about vibration. Several visitors have documented the symptoms that they feel. The effect is cumulative – it builds and builds the longer you are there. David and his wife went on vacation and felt fine but feel sick when they return to the house if the turbines are running. He fears that they will get to the point where the symptoms don't go away when they leave.

Audrey asked David how far away his home is from the nearest turbine. David stated that they are over ½ mile. They are within a mile of five turbines that vary between 3,000 and 4,000 feet away. There are other locations in town with other people who report that they have symptoms as well. He said that he has talked to a neighbor at a town meeting who reported to him that both she and her husband have had multiple symptoms.

Audrey asked David if he has been to a doctor and does he have any documentation from him that would be helpful. David said that he has been healthy in the past and has not gone to the doctor for these symptoms other than some instability. His wife has been to the doctor for severe ear pain, anxiety and inability to concentrate. The doctor told her that there is nothing physically wrong with her that could explain the symptoms.

Harold asked if any of the turbines are on David's property. He said that they are not.

Darren Ashley (3820 Schmidt Rd., De Pere) said that he lives a little over a mile away from the turbines. He was at the doctor today for ear pain that he has been feeling for around four months. On Friday night, his 15-year-old daughter came home from school feeling fine but experienced ear pain after she was home for a little while. When the turbines turned off, the pain went away. His and his daughter's ears started to hurt again later and they realized that it started when the turbines started.

Susan Ashley (3820 Schmidt Rd., De Pere) said that she was with her daughter that evening and told her to report her ear symptoms to her without looking at the turbines. The pain that she reported did correspond with when the turbines were running. Susan has had some headaches but not the symptoms that her husband and daughter are experiencing. They have experienced symptoms driving through the area where the turbines are located. Symptoms include vibration in the chest and abdomen, nausea and headaches.

Darren said that the doctor told him today that he has fluid in his ears but no infection. During a health screening at work the nurse told him that his ears looked irritated but not infected. He does not have sinus issues normally.

Susan said that she did some research on the internet. She found that infrasound is said to increase the sound in the fluid sack. The pain in her daughter's ears has been so bad that she has been staying away from home for the last couple of days just to see if that helps.

Dr. Tibbetts asked if the sensation was one where you feel that if you could just pop your ears it would go away. Susan said that her daughter told her that it was like being on an airplane. Darren said that when you leave, it does feel like you have just gotten off of an airplane.

Rose Mary Enz (6034 Fairview Rd., Denmark – Town of Glenmore) said that it feels like you just want to dig in your ears to make the pain go away. It gets so bad that you want to cry. When she was at her daughter's house in Cincinnati for 3-4 days she felt like her ears were draining and then felt fine.

Susan said that she has noticed headaches more than anything else. She normally does not get headaches but has had them almost every day when the turbines run.

Judy asked how long the turbines have been there. Susan said that they were installed between September and December. Rose Mary said that they started running a lot more in January. Susan said that she does wonder about infrasound because her research has shown that the effect is cumulative.

Dennis Hibray (Division of Health) asked Susan if the symptoms were all of the time. Susan said that she wakes up with headaches all of the time. Darren said that the closer you are to the turbines, the worse the symptoms are.

Audrey said that there was a joint meeting on May 25th, 2010 with the Human Services Committee and the Board of Health. People from the state of Wisconsin were present for that meeting. The message that was given to the Board of Health from the state people was that if people have problems, they need to go to a doctor and get documentation of their symptoms. This gives the board something to start with. This could be a very serious problem and they will need some assistance from the state. People should provide dated, written documentation from their doctors.

David said that one of the things that happens is that he will call from home when he is having symptoms, but when he gets to the doctor, the symptoms aren't there. He would venture to say that they will not find anything to document.

Dr. Tibbetts said that Darren's visit to the doctor resulted in a diagnosis of fluid in the middle ear – but these symptoms could be the result of a problem in the inner ear, which the doctor can't see in to.

Audrey said that these reports coincide with other things they have heard. Dr. Tibbetts said that they also coincide with the findings of Dr. Nina Pierpont in her research.

Carole Andrews (Brown County Board of Supervisors) suggested that people write down and document the times that they feel symptoms to see if they can be compared to records from when the turbines are running. Susan asked how she could find out from her neighbors if they are feeling symptoms without being accused of planting the idea in their heads. Audrey agreed that people have to start logging these symptoms. Dr. Tibbetts said that these reports are all anecdotal but you have to start from somewhere. David said that they do have a journal that contains a record of their symptoms and when they occurred.

David has asked friends and family to come to his home and document honestly whether they had symptoms and what they were. He provided a copy of the documentation to Audrey.

Audrey presented an article from the Milwaukee Journal that contains a quote from David Enz. She provided copies for Board of Health members. She asked Dennis to provide any recommendations.

Dennis said that he would like to talk to Dr. McFadden, Chuck Warzecka and Henry Anderson at the state. He will make them aware of these reports and ask if they have heard reports like this before. He said that he would also recommend documentation such as Audrey suggested in addition to wind direction, wind speed and any other conditions that seem relevant. David pointed out that the wind speed on the ground won't be the same as the wind speed at the blades of the turbine. Dennis asked David if he just feels the turbines or does he hear them. David said that he can hear them at times but the sound that he can hear is not the problem.

Audrey suggested that Dennis also share the stories from the 5/25/10 meeting with the people he talks to at the state. She summarized some of the stories from that meeting and said that she feels that these stories should not be ignored. Dr. Tibbetts said that he hopes the state will be more open-minded about this than they have been in the past. He stated that the former Department of Health director, Seth Foldy, Chuck Warzecka and Dr. McFadden have not been sympathetic to this at all. Audrey asked that Dennis look at the documents posted on the County Board website including an article by Dr. Herb Coussins.

David asked if it makes sense to have other people who are affected come to his home to see if they experience the same symptoms. Dr. Tibbetts said that the difficulty is that you need medical documentation to

provide to the state and that will not be possible since the symptoms can't be measured away from the offending area.

Dale Schmit asked if there is a meter out there that measures the sound and pressure that they are talking about here. Dr. Tibbetts and David discussed the fact that it is not just distance from the turbine but topography, etc. that come into play.

Dr. Tibbetts asked what it would take to get the state to go to these people's homes and do a real study of the problem – rather than just a literature review as has been done in the past.

Judy said that an acoustical engineering consultant for the city of Green Bay can be hired to do a study at a cost of around \$8,000.

Audrey said that this is a serious situation and needs to be investigated.

Harold suggested that these people try wearing ear protection to see if that has an effect on the symptoms.

MOTION: To return to the regular order of business. Van Deurzen / Tibbetts

MOTION CARRIED

Harold Pfothauer left the meeting at 7:00 PM – the remainder of the meeting is information only.

5. BUDGET 2012

Judy reported that the internal auditor has asked for information regarding the cost of the hearing and vision screening program. That information was provided to her along with statistics about children served in the program. Also, all departments were asked to submit Program Inventory Worksheets – general descriptions of the services provided by the department.

Audrey said that it bothers her that the first thing they are going to go after will be the hearing and vision program.

There is an estimated 3.9 million dollar deficit going in to the 2012 county budget – but that number changes frequently.

6. DIRECTOR'S REPORT

Judy presented the communicable disease report from Chua Xiong.

- Department staff are working with the health department in Manitowoc on a meningitis case involving a Manitowoc resident who goes to school at NWTC in Green Bay.
- There are a number of cases of measles in Minnesota. There are 23 confirmed cases in people ranging in age from 4 months to 51 years. 21 of those cases have been linked to an infection that was acquired in Kenya. There were also cases originating in Florida and India. There were 14 hospitalizations and no deaths.
- Follow-up on several norovirus outbreaks that Judy reported in previous board meetings has been wrapped up.

Judy distributed copies of the County Health Rankings document. She summarized Brown County's ranking in several areas.

Judy updated board members on the Community Health Improvement Process. The three priorities have been chosen and providers have volunteered to take the lead in each area. They are:

Adequate, Appropriate and Safe Food and Nutrition	Bellin
Oral Health	St. Vincent
Unhealthy Alcohol and Drug Use	Bellin

They will pull together groups to work on each of these priorities. The steering committee is developing a printed report on the assessment.

Judy invited board members to attend the annual preparedness update on June 7th at the Tundra Lodge.

7. ANY OTHER BUSINESS AUTHORIZED BY LAW

Audrey reported that Don Murray has had surgery and is recovering at home.

ADJOURNMENT / NEXT MEETING

The next meeting is tentatively scheduled for July 12, 2011 at 5:30 PM.

MOTION: To adjourn, at 7:22 PM. Tibbetts / Van Deurzen

MOTION CARRIED